

### DETAILED ACTION

The following is a Final Office action in response to communications received February 02, 2010.

Claims 1-61 have been cancelled.

Claims 62-85 have been added and are pending and addressed below.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 66 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 66 recites the limitation "wherein the terminal device further comprises a terminal storage unit configured to store a copy of the new content data before the portable reproducing apparatus stores the new content data" (emphasis added). However, claim 62 already introduced "a storage of the terminal device" (line 19). It is not clear whether the "terminal storage unit" of claim 66 is the same as the "storage of the terminal device" of claim 62.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 62-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulhof et al. (US 5,572,442 hereinafter Schulhof) in view of Kaplan (US 5,963,916) in further view of Fujimura et al. ("Usability/Serviceability Improvement and Value-Add Processing in file Transfer" 1993, hereinafter Fujimura).**

As per claim 62, Schulhof discloses a content data updating system including a host device and a terminal device, the host device comprising:

a host communication unit configured to communicate with the terminal device ([column:line][13:45-55]. Also Figure 1, "22"); a storage unit configured to store a plurality of the content data (Figure 1, "18"); a control unit configured (1) to identify a plurality of requested content data based on a user request sent from the terminal device (Figure 1, "20" and [6:24-40]), and the terminal device including a terminal communication unit configured to communicate with the host device (Figure 1, "50" and [7:5-52]); and a terminal control unit configured (1) to cause the terminal communication unit to send the request to the host device based on user input ([4:56-67] and [7:5-52]).

Schulhof does not explicitly disclose that the storage unit is configured to store a corresponding plurality of associated data, each of the associated data being attached to a corresponding content data or the control unit configured (2) to control sending of the associated data of the plurality of the requested content data to the terminal device or the terminal control unit configured (2) to cause the terminal communication unit to receive the plurality of the associated data. However, Schulhof discloses storing data in libraries (Figure 1, "18"), delivery of new daily material such as a daily newspaper which is transcribed every morning, digitized and sent to the library ([6:14-24]). Schulhof also discloses program material, content data, accompanied by headers (attached associated data) [9:18-25] and sending this program material along with corresponding

headers to the terminal unit thus the terminal unit receiving such associated data ([9:18-25]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that the program material accompanied by corresponding headers, or content data attached to corresponding associated data, would be stored prior to it being sent to the terminal device in order to improve performance.

Schulhof does not explicitly disclose the terminal control unit configured (3) to determine whether each of the plurality of the requested content data is new content data by checking the corresponding associated data sent by the control unit of the host device, and (4) to control updating of a storage of the terminal device so that only the new content data, as determined by the results of the checking, is stored into the terminal device.

However, as mentioned above, Schulhof discloses sending and receiving content data along with associated data, Kaplan teaches storing audio samples, content data, and additional data corresponding to the selected audio sample, associated data ([6:16-28] and [9:15-35]) and Fujimura further teaches a sender device which builds up file associated information (FAI) corresponding to a plurality of files (Second paragraph), a receiver device requesting the sender device to send selected files, the receiver device receiving the plurality of associated data, FAI (second paragraph), which may include file name, date and time, file length, country information or data type (first paragraph). Fujimura further teaches determining whether each of the plurality of the requested content data is new content data by checking the corresponding associated data sent by the control unit of the host device (third paragraph) as well as recreating, updating, a

receiver disk, storage of the terminal device (second paragraph, lines 9-11) with only new data (third paragraph). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention as disclosed by Schulhof and Kaplan and include in their supplementary information, file associated information as taught by Fujimura and store only new program, content or file data based on the FAI as also taught by Fujimura in order to decrease amount of storage by reducing duplication of data and in order to reduce network transaction (Fujimura, third paragraph, line 4).

As per claim 63, Schulhof further discloses a portable reproducing apparatus connected to the terminal device ([4:56-57]).

As per claim 64, Schulhof further discloses wherein the terminal control unit is configured to cause the terminal communication unit to send the request to the host device when the portable reproducing apparatus is connected to the terminal device ([5:1-20]).

As per claim 65, Schulhof further discloses wherein the portable reproducing apparatus comprises: a portable communication unit configured to communicate with the host device directly ([13:10-28]); a portable control unit configured to control the portable

communication unit to download the new content data ([13:10-28]).

As per claim 66, Schulhof further discloses wherein the terminal device further comprises a terminal storage unit configured to store a copy of the new content data before the portable reproducing apparatus stores the new content data ([5:5-20]).

As per claim 67, Schulhof further discloses wherein one of the new content data is reproduced while other new content data are downloaded ([5:14-17], [8:5-20]).

As per claim 68, Schulhof further discloses wherein the content data is one of audio data and video data (Abstract).

As per claim 69, Schulhof further discloses wherein said terminal communication unit generates the request including data specifying an intention of the user to make payment and sends the generated information to said host communication unit ([7:54-67][8:1-4]).

As per claim 70, Schulhof further discloses wherein said host communication unit switches a sending mode to said terminal communication unit for data identified by said control unit based on data specifying the intention of the user to make payment sent from the terminal communication unit ([7:54-67][8:1-4]).

As per claim 71, Schulhof further discloses wherein said host communication unit switches the sending mode to the terminal communication unit based on data specifying the intention of the user to make payment sent from the terminal communication unit when the data identified by said control unit is data newly stored in said storage unit ([7:54-67][8:1-4]).

As per claim 72, Schulhof further discloses wherein said host communication unit sends to said terminal communication unit data newly stored in said storage unit with a same data quality as a data quality in sending other data stored in said storage unit when the data specifying the intention of the user to make payments for the request sent from the terminal communication unit indicates that the user is willing to make the payments ([7:54-67][8:1-4] [9:10-25]).

As per claim 73, Schulhof further discloses wherein said host communication unit sends to said terminal communication unit data newly stored in said storage unit with a data quality lower than a data quality in sending other data stored in said storage unit when the data specifying the intention of the user to make payments for the request sent from the terminal communication unit indicates that the user is not willing to make the payments ([7:54-67][8:1-4] [9:10-25]).

As per claims 74 and 81, Schulhof does not explicitly disclose wherein said terminal communication unit generates the request including genre designation information and

sends the generated information to said host communication unit and wherein said host communication unit sends to the control unit the request from the user containing the genre designation information sent from the terminal communication unit, and wherein said control unit identifies data stored in said storage unit based on the request containing the genre designation information and sends the identified data to the terminal communication unit. However, Schulhof discloses providing a variety of content such as news and entertainment ([2:28-35]) and Kaplan teaches providing data based on the genre requested by the user (e.g. Figure 5H). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention as disclosed by Schulhof and include in the provided programming, a further selection such as by genre as disclosed by Kaplan, in order to provide the user with a greater selection and user friendly product.

As per claim 75, Schulhof further discloses wherein said terminal communication unit, when reproducing data stored in the storage of the terminal device, reproduces the data in a same playback state as a playback state for reproducing data other than the data newly stored in said storage unit when the user is willing to make a payment ([7:54-67][8:1-4] [9:10-25]).

As per claim 76, Schulhof further discloses wherein said terminal communication unit, when reproducing data stored in the storage of the terminal device, sends information concerning the payment to said host communication unit when the user is willing to

make the payment ([7:54-67][8:1-4] [9:10-25]).

As per claim 77, Schulhof further discloses wherein said host communication unit performs accounting based on accounting information sent from said terminal communication unit ([7:54-67][8:1-4] [9:10-25]).

As per claim 78, Schulhof further discloses wherein said host communication unit sends to said terminal communication unit data specifying that an accounting has come to a close and appends accounting data specifying that the accounting has come to a close for data for playback stored in the storage of the terminal device ([8:5-19]).

As per claim 79, Schulhof further discloses wherein said terminal communication unit switches the playback state of data stored in the storage of the terminal device based on the data specifying that the accounting has come to a close ([8:5-19]).

As per claim 80, Schulhof further discloses wherein said terminal communication unit discontinues the playback state while reproducing data stored in the storage of the terminal device when the user has no intention to make the payment ([9:27-36]).

As per claim 82, Schulhof further discloses wherein said control unit identifies said new content that is data that has been put on sale or publicized only recently ([6:14-23]).



As per claim 83, Schulhof further discloses wherein said control unit identifies said new content data that is data received within a preset time period from a date on which the data has been put on sale or publicized ([6:14-23]).

As per claims 84-85, Examiner agrees with Applicant that claims 84-85 recite limitations analogous to limitations in claim 62. Claims 84-85 are therefore rejected using the same art and rational set forth above.

### ***Response to Arguments***

Applicant's arguments with respect to claim 62 have been considered but are moot in view of the new ground(s) of rejection or have been fully considered but are not persuasive (See rejection above).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAJIME ROJAS whose telephone number is (571)270-5491. The examiner can normally be reached on EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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